

Water and Sewer System/Multi-Residential Unit Facility: Desha County, Arkansas, Circuit Court Complaint Challenging Water Use Calculation



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C.I.C. Arms, Inc. ("CIC") filed on October 11th a Complaint in the Desha County, Arkansas, Circuit Court against the City of McGehee ("City") and McGehee Water and Sewer System ("MWSS") challenging the rate that is charged for water usage. See No. 21ACV-23-117.

The water calculations are stated to be based upon two ordinances enacted by the City in 2022.

CIC describes its facility as constituting 50 residential units in seven separate buildings that are located in the City. The seven buildings are stated to have been provided a separate master water meter by MWSS and charge for water and sewer services based off the reading of each master meter to each separate building. CIC states that it determined the appropriate charge for water and sewage usage by each individual unit within the building based on the master meter reading to each building.

The Complaint alleges that Ordinance 843 and 850, which were enacted in 2022, have changed the water usage calculations so that CIC is charged for water consumption based on usage by each individual housing unit. However, it states that each individual housing unit is not provided a separate water meter by MWSS. It further states that some CIC units are vacant, and others use more or less water than other units. This is stated to make it impossible to determine individual unit water consumption.

CIC alleges that it has been overcharged for water and sewage consumption and requests:

- Declaratory judgment (whether it can be charged for water and sewer services it is not consuming and charged by individual units (when MWSS has only provided master meters for each building)
- Public funds illegal exaction (the alleged actions have resulted in an illegal exaction pursuant to Article XVI, § 13 of the Arkansas Constitution)
- Conversion (actions have resulted in conversion of property because of improper charges and fees collected for services not provided)

A copy of the Complaint can be downloaded [here](#).